

Remarks

Claims 18-20 and 26-38 are currently pending in the Application and Claims 18-20, 26-28, 30, 34 and 37-38 are withdrawn from consideration by the Examiner.

Summary of claim amendments

This response amends Claim 29 to recite “first and second sacrifice layers with island shapes respectively formed on the source doped silicon layer and drain doped silicon layer and formed over the semiconductor layer in their entirety” instead of “first and second sacrifice layers with island shapes respectively formed on the source doped silicon layer and drain doped silicon layer” and amends Claims 33 to recite “first and second sacrifice layers with island shapes formed over and in direct contact with the semiconductor layer in their entirety” instead of “first and second sacrifice layers with island shapes formed over and in direct contact with the semiconductor layer.”

35 U.S.C. §102(e) rejection in view of Kaneko (U.S. Patent No. 6,433,842)

Claims 29 and 31-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kaneko. Applicant respectfully disagrees.

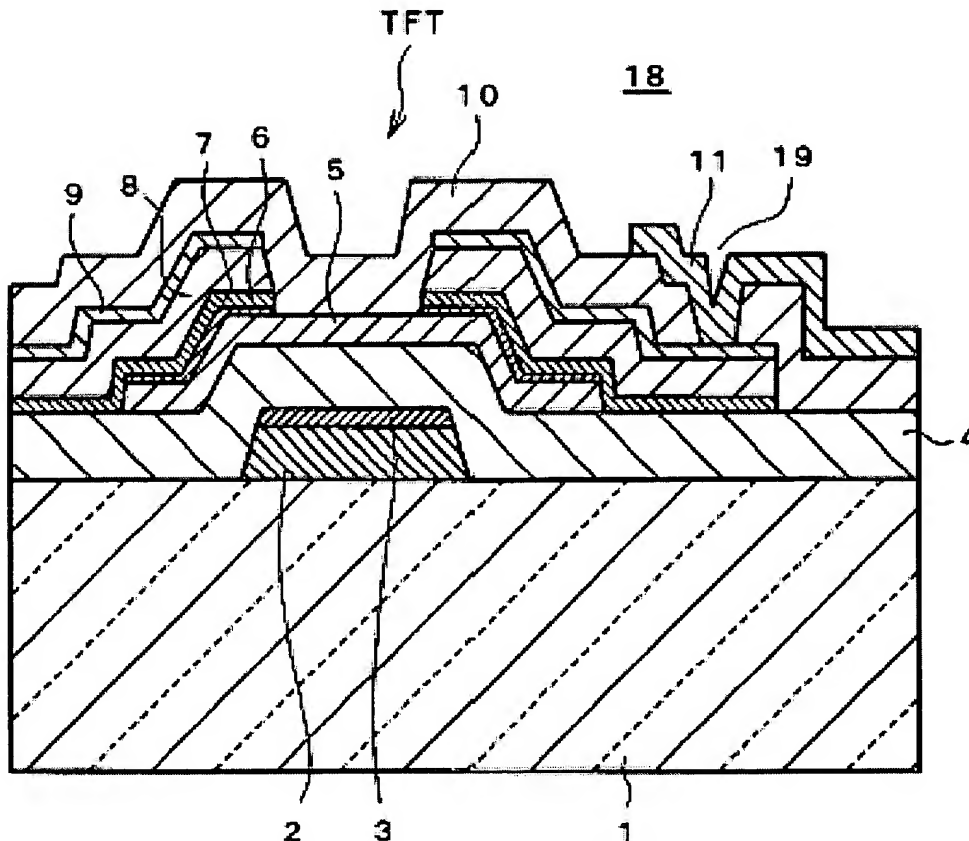
The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant submits that the Examiner has not shown that Kaneko teaches each and every element as set forth in the rejected claims. In particular:

Claim 29

Applicant submits that the Examiner has not shown that Kaneko discloses, suggests or teaches, *inter alia*, the following features recited by amended Claim 29 of the present application:

“first and second sacrifice layers ... formed over the semiconductor layer
in their entirety” (emphasis added)

Referring to Kaneko's Figure 1 reproduced below, the Examiner asserts that the “first and second sacrifice layers” as recited in Claim 29 are disclosed by Kaneko's layer “8.” See page 3, section 4 of the Official Action. The Examiner also asserts that the “semiconductor layer” as recited in Claim 29 is disclosed by Kaneko's layer “5.” See page 3, section 4 of the Official Action. Applicant respectfully traverses the Examiner's assertion.



According to Kaneko, layer “8” is disposed over and extends beyond the length of the layer “5.” Because layer “8” extends beyond the length of the layer “5.” Kaneko does not teach, disclose or suggest “first and second sacrifice layers ... formed over the semiconductor layer **in their entirety**” (emphasis added) as recited in Claim 29.

Hence, Claim 29 is patentable over Kaneko and should be allowed by the Examiner. Claims 31-32, at least based on their dependency on Claim 29, are also believed to be patentable over Kaneko.

35 U.S.C. §102(e) rejection in view of Park (U.S. Patent No. 6,107,640)

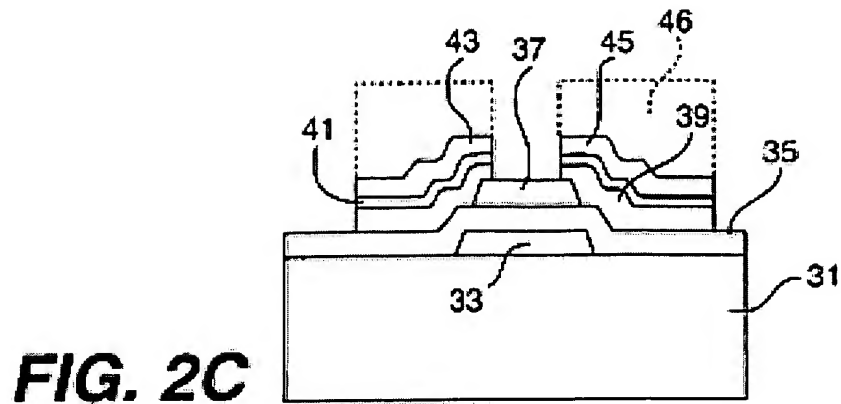
Claims 33 and 35-36 stand rejected under 35 U.S.C. §102(e) as being anticipated by Park. Applicant respectfully disagrees. Applicant submits that the Examiner has not shown that Park teaches each and every element as set forth in the rejected claims. In particular:

Claim 33

Applicant submits that the Examiner has not shown that Park discloses, suggests or teaches, *inter alia*, the following features recited by amended Claim 33 of the present application:

“first and second sacrifice layers ... formed over and in direct contact with the semiconductor layer **in their entirety**” (emphasis added)

Referring to Park’s Figure 2C reproduced below, the Examiner asserts that the “first and second sacrifice layers” as recited in Claim 33 are disclosed by Park’s layer “39.” See page 4, section 5 of the Official Action. The Examiner also asserts that the “semiconductor layer” as recited in Claim 33 is disclosed by Park’s layer “37.” See page 4, section 5 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.



According to Park, layer “39” is disposed over and extends beyond the length of the layer “37.” Because layer “39” extends beyond the length of the layer “37.” Park does not teach, disclose or suggest “first and second sacrifice layers ... formed over and in direct contact with the semiconductor layer **in their entirety**” (emphasis added) as recited in Claim 33.

Hence, Claim 33 is patentable over Park and should be allowed by the Examiner. Claims 35-36, at least based on their dependency on Claim 33, are also believed to be patentable over Park.



Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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September 13, 2006
(Date of Deposit)

Aileen Shrestha
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